

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	Case No. 8:13CR105
)	
Plaintiff,)	
)	
-vs-)	MOTION IN LIMINE
)	
)	
TIMOTHY DEFOGGI,)	
Defendant.)	

COMES NOW Defendant, through counsel, and respectfully requests for an order prohibiting the prosecution from discussing in *voir dire*, opening statement, cross-examination, direct examination, or closing argument, or adducing any evidence or commenting in any way regarding any and all references to the fantasy chat private messages sent to and from username "Ptasseater" and/or "fuckchrist" because they are irrelevant or, in the alternative, overly prejudicial to the Defendant.

Respectfully submitted,
Timothy Defoggi, Defendant

/s/ John S. Berry
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 6th day of March, 2014.

/s/ John S. Berry

John S. Berry, #22627